

FIRST REGULAR SESSION

HOUSE BILL NO. 829

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FORD, HOSMER, O'CONNOR, BOWMAN, ROSS, GAMBARO,
TROUPE, HAYWOOD (Co-sponsors), GEORGE, KELLY (27), HOLT, McKENNA, CAMPBELL,
MONACO, THOMPSON, VILLA, BONNER AND BRAY.

Read 1st time February 20, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2020L.011

AN ACT

To repeal section 570.135, RSMo 2000, relating to fraudulent use of a credit card and identifying information, and to enact in lieu thereof one new section relating to the same subject, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 570.135, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 570.135, to read as follows:

570.135. 1. No person shall knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit card or debit card. **No person shall knowingly use the credit card or debit card of another person without the consent of such person.**

2. No person shall willfully obtain personal identifying information of another person without the authorization of that person and use that information fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a class [A misdemeanor] **D felony, unless ten thousand dollars or more in goods or services are procured as a result of such violation in which case it is a class C felony. Any second or subsequent violation of subsection 1 or 2 of this section is a class C felony.**

4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, Social Security number, [place of employment,]

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 employee identification number, [mother's maiden name,] demand deposit account number,
16 savings account number or credit card number of a person.

17 5. Notwithstanding subsections 1 to 4 of this section, no corporation, proprietorship,
18 partnership, limited liability company, limited liability partnership or other business entity shall
19 be liable under this section for accepting applications for credit cards or debit cards or for the
20 credit cards or debit cards in any credit or debit transaction, absent clear and convincing evidence
21 that such business entity conspired with or was a part of the fraudulent procuring of the issuance
22 of a credit card or debit card.